

Westtown Township

Zoning Hearing Board Application

PO Box 79
Westtown, PA 19395



P: 610.692.1930
F: 610.692.9651
www.westtownpa.org

Township Use Only

Date Received: September 22, 2021 Date Accepted: September 22, 2021
Project No.: 2021-06 Fee/Date Paid: \$850 9/22/21
Parcel No.: 67-3-132 Acreage of Property: 12.3 acres
Zoning Dist. R-3

Applicant & Owner Information

Property Owner Spencer Qualls Phone 302-598-7660
Mailing Address P.O. Box 3739 City Greenville, DE Zip 19807
E-mail sjqnc@aol.com

Applicant Same as owner Phone _____
Mailing Address _____ City _____, Zip _____
E-mail _____

Request for property addressed @ 1646 West Chester Pike, Unit 21

Section 2104: Appeals from the Zoning Officer _____

Section 2105: Challenge to the validity of the Zoning Ordinance or Map _____

Section 2106: Challenge to the Flexible Development Procedure _____

Section 2107: Variances _____ X _____

Section 2108: Special Exceptions _____

Description of request

Please provide below or attach a narrative of your request to enable the Zoning Hearing Board Solicitor to prepare a correct and true advertisement. As part of the narrative, please describe:

- * The property under consideration (size of lot, dimensions, etc.) and its physical location (e.g. nearby intersections, landmarks, etc.).
- * The present use of the property (residential, retail, office, etc.), and all existing improvements located on it (house, garage, and shed; office and parking lot; etc.).
- * The proposed improvements, additions and/or change of use. For physical changes to the lot or structures, indicate the size of all proposed improvements, materials to be used and general construction to be carried out. Attach a plan or sketch for illustration.
- * State the variance, special exception, or other relief requested and cite the appropriate section(s) of the Zoning Ordinance.
- * Provide the reasons why the relief you requested is needed and why the relief should be granted (Please see §2104-2108 of the Zoning Ordinance, as amended, where applicable).

See the attached.

Applicant shall deposit with the Township a fee deemed sufficient to pay the Hearing expenses. These costs may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the Hearing. Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings.

In the event that the costs of the hearing exceed the funds deposited, the Applicant shall pay to the Township funds equal to such excess costs within thirty (30) days of the Township's request. Failure to deposit the additional funds shall be just reasons for terminating the proceedings.

It is my understanding that the Zoning Officer and Zoning Hearing Board may request additional information and documentation to prepare for said hearing.

CERTIFICATION: I certify that the information presented in this application and all attachments is true and correct.

Signature of APPLICANT  Date 9/21/2021

Print Name Spencer Qualls

Signature of OWNER  Date _____
(If different from applicant)

Signature of ZONING OFFICER  Date 9/22/21

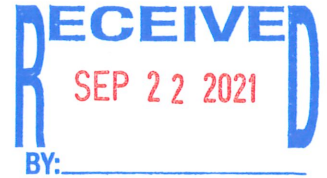
———OFFICIAL USE ONLY———

Mailed/faxed to Zoning Solicitor on: _____

Hearing scheduled on: _____ Advertised on: _____

———FEE SCHEDULE———

Variance, Special Exception — \$850
Appeal from the Zoning Officer, Challenge to the Flex Development Procedure — \$850
Challenge to the Zoning Ordinance/Map — \$2,500



JOSEPH J. DOUGHERTY, ESQUIRE
jdougherty@cambridgelaw1.com

Hand Delivered

September 22, 2021

David Scaggs, Chairman
Zoning Hearing Board
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

Re: Application of Spencer Qualls for a variance from the requirements of Section 170-801B of the Westtown Township Zoning Ordinance.

Dear Mr. Scaggs:

Accompanying this letter is the original and 5 copies of the Zoning Hearing Board Application of Spencer Qualls, owner of 1646 West Chester Pike, UPI # 67-3-132. Also accompanying this letter is a check in the amount of \$850.00 payable to Westtown Township, the fee required to accompany a variance application.

Please advise me as to the earliest date that the Zoning Hearing Board can meet to consider Mr. Qualls application.

Very truly yours,

A handwritten signature in blue ink that reads "Joseph J. Dougherty". The signature is fluid and cursive, with the first and last names being clearly legible.

Joseph J. Dougherty
JD/pw

Enclosures

cc: Spencer Qualls

NARRATIVE TO ZONING HEARING BOARD APPLICATION OF SPENCER
QUALLS FOR A USE VARIANCE.

Property: 1646 West Chester Pike.

Location: south Green Lane on the east side of West Chester Pike.

Present use: professional, medical and ice rink with parking lots.

UPI #67-3-132.

Zoning: R-3 Residence-Office District, does not provide for medical use.

Lot size: 12.335 Acres, 9.15 net of restricted area.

Requested use: veterinary office.

Definition of Medical Services - A type of personal service dedicated to health care and healing, including related support facilities. Such uses include, but are not necessarily limited to, offices of medical professionals (e.g., medical doctors and specialists, dentists, orthodontists, psychologists, psychiatrists, ophthalmologists, optometrists, chiropractors), clinics, facilities for physical therapy and rehabilitation, medical testing centers, and medical laboratories (emphasis added).

Current medical occupants:

- a. Suite #1 Dr. David E. Stall (general dental office), lease Commencement 6/3/1994, Lease Expiration 9/30/2027.
- b. Suite #7 Dr. Andrea Del Monte (Chiropractor office), lease commencement 4/1/2021, lease expiration 3/31/26.
- c. Suite #20 Dr Steven Mathews – Innovative Muscle Therapy (Physical Therapy), lease commencement 5/21/2014, lease expiration 4/30/2025.

d.

Former medical occupant:

- a. Chester County Primary Care occupied the unit from October 2004 – September 2018. CCPC was acquired by Main Line Health Care who occupied the unit from September 2018 – April 2020.

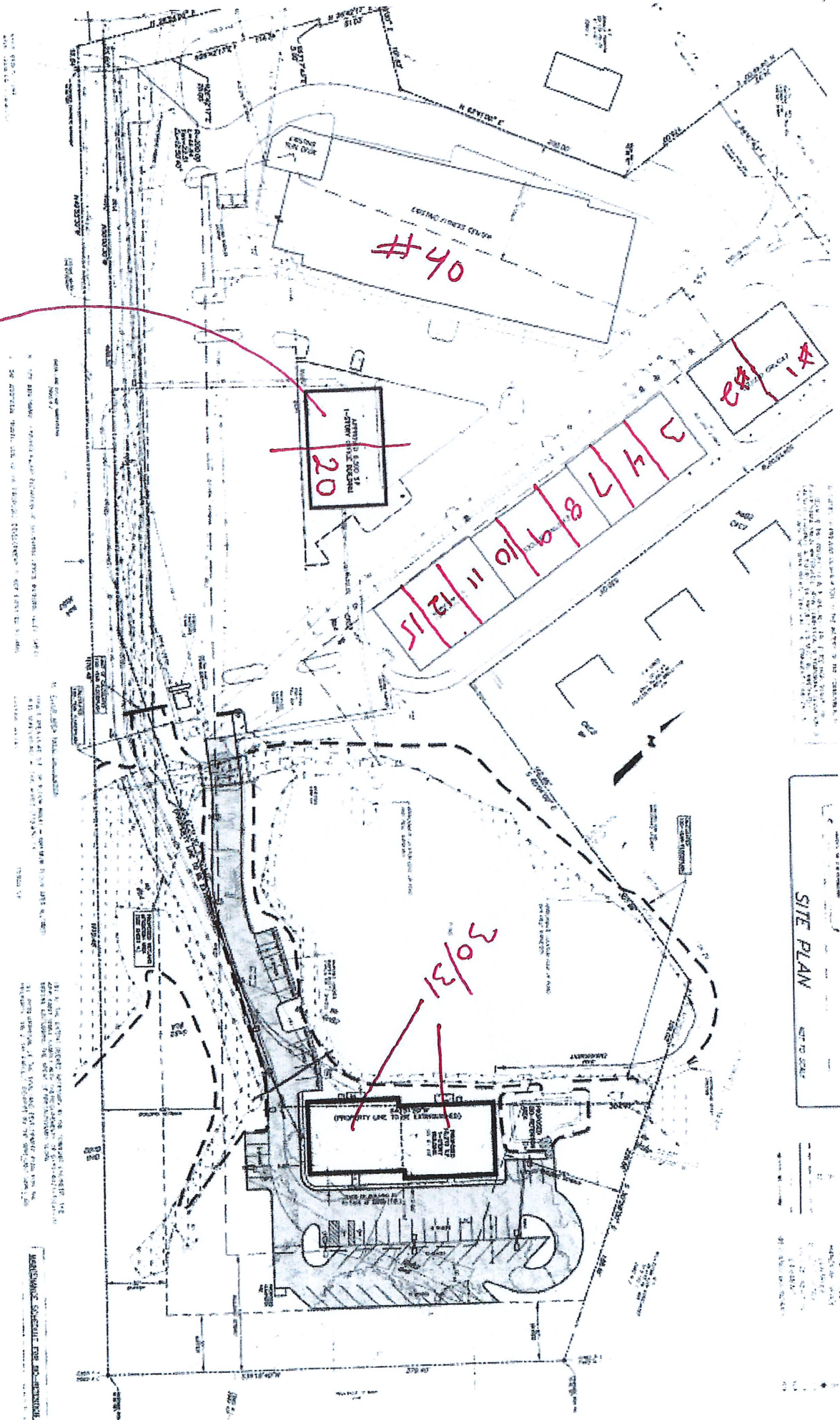
Proposed use:

The applicant is seeking a use variance to allow a veterinary medical practice, from the requirements of Section 170-801.B of the Westtown Township Zoning Ordinance. Such use is not currently listed as a matter of right or as a conditional use in that the R-3 district under Section 170-801. B. The Property had had several medical providers as occupants of space on the Property for many years. The use of the rental space on the Property, will not, will not alter the essential character of the neighborhood or district in which the Property is located, will not substantially or permanently impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare. Moreover, the requested use variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The prospective tenant is Best Friend LLC, ("Veterinarian"). The Veterinarian is a female-owned, Pennsylvania restricted professional company formed and owned by Dr. Amy Parkman, VMD for the purpose of rendering veterinary medicine services. Dr. Parkman is a veterinarian that graduated from the University of Pennsylvania School of Veterinary Medicine in 2002, and she has been a practicing veterinarian in good standing in Pennsylvania for over nineteen (19) years. Best Friend LLC has entered into discussions with the Property Owner with respect to a rental unit, Unit 21, at the Subject Property. The primary contingency with respect to moving forward with finalizing a lease with the Veterinarian is that the Property must be approved for use as a veterinary medicine practice. As a veterinary medicine practice, the Veterinarian intends to use the unit at the Property as a daytime, small animal veterinary medicine practice providing the services, and goods related to those services, as allowed under the veterinarian's license to practice veterinary medicine in Pennsylvania. The Veterinarian does not intend to use the unit as a kennel.

The unit at issue was previously used for medical services related to people and will require minimal internal fit-out for the prospective use. The unit is 3,250 square feet and is part of a building with 1 other unit, for a total of 6,500 square feet.

21-Vet



SITE PLAN

WORKING SHEET - EMB-20-000000-00